

RETURN DATE: JULY 19, 2022 : SUPERIOR COURT
ROSHAN BUTLER : J. D. OF NEW HAVEN
V. : AT NEW HAVEN
MICHAEL MELLO and
TOWN of HAMDEN : JUNE 1, 2022

COMPLAINT

FIRST COUNT (Negligence as to Michael Mello)

1. On or about August 4, 2020, at approximately 10:28 p.m., the Plaintiff, **Roshan Butler**, was operating a motor vehicle in a southerly direction on Whitney Avenue in the Town of Hamden, State of Connecticut.

2. At the same time and place, the Defendant, **Michael Mello**, was parked in a vehicle owned by the Defendant, **Town of Hamden**, in an easterly direction on Whitney Avenue in the Town of Hamden, State of Connecticut.

3. At the same time and place, the Defendant, **Michael Mello**, was acting in the course and scope of his employment as a police officer with the defendant, Town of Hamden.

4. At the same time and place, as the Defendant, **Michael Mello**, was parked on Whitney Avenue and blocking traffic traveling in a southerly direction on Whitney Avenue, the Plaintiff, **Roshan Butler**, struck the Defendant's vehicle.

5. As a result thereof the Plaintiff, **Roshan Butler**, suffered injuries of a serious, painful and permanent nature in that she sustained:

- a) A fracture of the right leg/ankle;

- b) An acute musculo-ligamentous sprain of the cervical spine;
- c) An acute musculo-ligamentous sprain of the right shoulder;
- d) An acute musculo-ligamentous sprain of the right wrist;
- e) Injury to the chest;
- f) Emotional distress;
- g) General shock to the nervous system; all of which prevent her from enjoying life as she is entitled to.

6. As a further result, the Plaintiff, **Roshan Butler**, incurred medical bills and expenses and may continue to do so in the future.

7. In addition, as a result thereof, the Plaintiff, **Roshan Butler**, incurred lost time from work and may incur a lost time in the future, and thereby suffer a loss of earning capacity.

8. The injuries and damages suffered by the Plaintiff, **Roshan Butler**, were the result of the negligence and carelessness of the Defendant, **Michael Mello**, individually and as agent/servant and/or employee of the Defendant, **Town of Hamden**, in that he failed to keep a proper lookout; in that he failed to keep control of his vehicle; in that he was improperly parked his vehicle in violation of Connecticut General Statutes §14-251; in that he failed to illuminate his vehicle lights in violation of Connecticut General Statutes §14-96a; in that he failed to illuminate head and rear lights in violation of Connecticut General Statutes §14-96L; in that he failed to yield the right of way; in that he failed to properly position his vehicle in the roadway; in that he failed to properly use emergency lights on his vehicle; in that he failed properly to use

emergency lighting in the area of the collision; in that he failed to properly use signs and/or signals of the presence of his vehicle; in that he failed to use a vehicle that was equipped with overhead emergency lighting and/or in that he failed to properly warn the Plaintiff of his presence.

WHEREFORE, the Plaintiff claims monetary damages.

SECOND COUNT (Negligence as to Town of Hamden)

1-8. Paragraphs 1-8 of the First Count are hereby made paragraphs 1-8 of this Second Count.

9. At all relevant times, the Defendant, **Town of Hamden**, is liable to the Plaintiff, **Roshan Butler**, for her injuries and damages and losses, pursuant to Connecticut General Statutes, §52-557n, for the aforesaid negligence and/or carelessness of the Defendant, **Michael Mello**.

10. At all times mentioned herein, the Defendant, **Michael Mello**, was an agent, servant, and/or employee of the Defendant, **Town of Hamden**.

11. The Defendant, **Town of Hamden**, is vicariously liable for the negligence and/or careless acts of the Defendant operator, **Michael Mello**.

WHEREFORE, the Plaintiff claims monetary damages.

THE PLAINTIFF

BY 

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AD DAMNUM

The plaintiff claims money damages in excess of \$15,000.00



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